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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/606,086

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Jacob M. Dubin

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4247

63151

7590

06/13/2008

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EXAMINER

MISIASZEK, MICHAEL

ART UNIT

PAPER NUMBER

3625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,086	Applicant(s) DUBIN ET AL.	
	Examiner MICHAEL MISIASZEK	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16, 17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16, 17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's amendments filed 2/28/2008 have been received and reviewed. The status of the claims is as follows:

Claims 14, 16, 17, 19, and 20 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 14, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Neill et al. (US 6219653 B1, hereinafter O'Neill) in view of Harmon and Satchell.

Regarding Claim 14

O'Neill discloses a method of managing transactions with multiple affiliates, comprising:

- providing a central exchange including an exchange server and an exchange database connected thereto (at least figure 2: trading platform 18)

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- storing in said exchange database information corresponding to goods and/or services available for sale and/or requested to purchase by one or more affiliates (at least column 7, lines 47-55: Memory stores inventory data)
- maintaining a rules set with said central exchange (at least column 22, lines 1-28: profile data including preferences and terms)
- said affiliates specifying in said rules set transaction conditions with respect to goods and/or services made available thereby for transactions with other said affiliates via said distributed network (at least column 22, lines 1-28: trading preferences maintained for trading partners)
- said affiliates controlling said rules set (at least column 22, lines 1-28)
- connecting said exchange server to the affiliate computers via a distributed network (at least abstract)
- storing in said affiliate databases information corresponding to goods and/or services (at least column 2, lines 64-67 and column 3, lines 1-5: trading partners stored and upload information regarding inventory levels)
- uploading to said central database said affiliate information corresponding to goods and/or services available for transactions via the distributed network (at least column 2, lines 64-67 and column 3, lines 1-5: trading partners stored and upload information regarding inventory levels)
- conducting real-time transactions involving said goods and/or services in said exchange database via said distributed network (at least column 2, lines 41-63: transactions conducted through trading platform)

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- providing Internet (world wide web) access to said exchange server (at least column 8, lines 1-13)
- providing a web-based bulletin board and access thereto by said affiliates (at least figure 4: Members forum)
- providing to said web-based bulletin board information concerning goods and/or services available for purchase and/or requested to purchase through the central exchange (at least figure 4: market activity information provided in forum)
- preprogramming said central exchange with transaction conditions applicable to said affiliates and conducting transactions via said distributed network according to said preprogrammed conditions (at least column 22, lines 1-28: trading preferences maintained for trading partners)
- conducting affiliate-to-affiliate transactions with respect to said goods and/or services via said distributed network (at least at least column 2, lines 41-63: transactions conducted between trading partners through trading platform)
- said affiliates uploading their respective inventories of goods and/or services to the exchange and conducting real-time transactions with other affiliates across said distributed network pursuant to said predetermined terms and conditions via a web inventory sharing function (at least column 2, lines 64-67 through column 3, lines 1-5 and column 22, lines 1-28: trading partners stored and upload information regarding inventory levels; trading preferences maintained for trading partners)

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- reporting data with respect to said affiliate-to-affiliate transactions to said central exchange (at least column 2, lines 41-63: terms of transactions stored in trading platform)
- said distributed network handling affiliate-to-affiliate transactions with respect to goods and/or services and for recording, reporting and storing data with respect to said transactions (at least column 2, lines 41-63: transactions processed over network through trading platform and terms of transactions stored in trading platform)
- sending an affiliate purchase request from a selling affiliate to said exchange server via a web service (at least column 3, lines 6-20: market order sent)
- said exchange server parsing and building request documents least column 3, lines 6-20: market order built)
- said exchange server sending said request back to said selling affiliate (at least column 3, lines 31-49: market order returned to trading partner for possible future use or editing)
- said originating affiliate sending goods and/or services information to said exchange server concerning said request (at least column 3, lines 31-49: product information for market order specified)
- said exchange server sending selling information concerning said goods and/or services to a buying affiliate (at least column 13, lines 32-44: platform communicates product/order information to buying client)

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- said buying affiliate confirming purchase to said exchange service (at least column 15, lines 1-21: buyer authorizes transfer of funds

O'Neill does not explicitly disclose:

- affiliates individually identifying goods and/or services to be shown on their respective websites and the websites of other affiliates
- providing a web page and linking same to said affiliate computer
- providing a special order system enabling affiliates to sell non-inventory goods and/or services not in their possession
- distributing via the distributed network purchase requests for said non-inventory goods and/or services.
- said exchange service sending a transaction confirmation to said buying affiliate;
- said buying affiliate sending a transaction confirmation to said exchange service

Harmon teaches that it is known to include sellers identifying goods and/or service to be shown on websites (at least paragraphs [0056] and [0061]: products to be displayed on web page identified) providing a web page and link to an affiliate computer (at least paragraph [0056]: web page provided), and a buyer confirming an order and receiving confirmation of the order (at least figure 8 and paragraph [0011]: buyer confirms bid and exchange sends buyer order confirmation). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by O'Neill, with the posting and ordering procedure, as taught by Harmon, since such a modification would have provided increased convenience in buying and selling event tickets by ensuring that buyers and sellers only have to deal with one entity, a central exchange (at least paragraph [0010] of Harmon).

Satchell teaches that it is known to include providing for ordering of non-inventory goods and distributing purchase orders for these goods (at least paragraph [0052]: out-of-stock products ordered and shipped) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by O'Neill, with the non-inventory goods ordering, as taught by Satchell, since such a modification would have provided a more efficient commerce system through immediate shipping (at least paragraph [0052] of Satchell).

Regarding Claims 17, 19, 20

O'Neill discloses the claimed invention except for:

- enabling affiliate control of credit card purchasing of goods and/or services from other affiliates
- inputting to said central exchange credit card information from said affiliates for use in connection with affiliate-to-affiliate transactions
- wherein said goods and/or services comprise tickets to entertainment and/or sports events
- wherein said tickets are specified for purchase by a purchasing affiliate by event, venue, date and seating section

Harmon teaches that is known to include enabling credit card purchasing of goods between affiliates and entering credit card information to a central exchange (at least paragraph [0037]: credit card charged by exchange for member-to-member transaction) and to sell sports tickets purchased by event, venue, date, and seating section (at least paragraph [0063]) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by O'Neill, with the credit card transactions between affiliates and sports tickets, as taught by Harmon, since such a modification would have provided improved record keeping of ticket transactions through an accurate audit trail (at least paragraph [0037] of Harmon).

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over O’neill in view of Harmon and Satchell as applied to claim 14 above, and further in view of Anderson.

O’neill, Harmon, and Satchell disclose the claimed invention except for:

- enabling affiliate control of splitting of grouped goods and/or services according to predetermined procedures;
- offering such grouped goods and/or services according to such predetermined procedures.

Anderson teaches that it is known to include procedures for splitting grouped products and offering the products (at least abstract: unbundling of products) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method, as taught by O’neill, Harmon, and Satchell with the splitting of grouped products, as taught by Anderson, since such a modification would have provided additional versatility in the ordering process by offering products in a different format than originally presented (at least paragraph [0009] of Anderson).

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MICHAEL MISIASZEK** whose telephone number is (571)272-6961. The examiner can normally be reached on 9:00 AM - 5:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeffrey A. Smith/
Supervisory Patent Examiner, Art
Unit 3625

Michael Misiaszek
Patent Examiner
6/9/2008